

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION
REPORT (PCT Rule 71.1)

Date of Mailing 12 July 2005

International application No. PCT/US03/12366

International filing date 26 September 2003

Applicant Johnson & Johnson K.K.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

FOR FURTHER ACTION

See Notification of Transmittal of International Preliminary Examination Report
(Form PCT/IPEA/416)

International application No. PCT/JP03/12366

International filing date 26 September 2003

International Patent Classification (IPC) A61B 17/22, 17/32

Applicant Johnson & Johnson K.K.

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

The annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the report

II ☐ Priority

III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability

IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☒ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 08 April 2005

Date of completion of this report 24 June 2005

I. Basis of the report

1. With regard to the elements of the international application: *

- ☒ the international application as originally filed.
- ☐ the description:
 - pages ____ as originally filed
 - pages ____ , filed with the demand
 - pages ____ , filed with the letter of ____ .
- ☐ the claims:
 - pages ____ , as originally filed
 - pages ____ , as amended (together with any statement) under Article 19
 - pages ____ , filed with the demand
 - pages ____ , filed with the letter of ____ .
- ☐ the drawings:
 - pages ____ , as originally filed
 - pages ____ , filed with the demand
 - pages ____ , filed with the letter of ____ .
- ☐ the sequence listing part of the description:
 - pages ____ , as originally filed
 - pages ____ , filed with the demand
 - pages ____ , filed with the letter of ____ .

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language ____ which is:

- ☐ the language of a translation furnished for the purpose of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purpose of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of

- ☐ the description, pages ____
- ☐ the claims, Nos. ____
- ☐ the drawings, sheets/fig. ____

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)). **

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Rule 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>1-11</u>	YES
	Claims _____	NO
Inventive Step (IS)	Claims <u>1-11</u>	YES
	Claims _____	NO
Industrial Applicability (IA)	Claims <u>1-11</u>	YES
	Claims _____	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-11

Reference is made to the following documents

D1: JP 2003-88350 A (NAKAO Masayuki)

D2: Japanese Utility Model Registration Application 3-5635

(Japanese Utility Model Registration Application Publication 4-88919)

Microfilm containing specification and drawings attached to request for application thereof
(ANGIOMED AKTIENGESSELLSCHAFT)

D3: WO 94/10919 A1 (SCIMED LIFE SYSTEMS, INC.)

The above documents define the general level of the art. They do not describe and indicate the invention shown in claims 1-13 of this international application which is not obvious to a person with ordinary skill in the art to which the invention pertains. A combination of the above documents does not satisfy the present invention.

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

<u>Applicant No.</u> <u>Patent No.</u>	<u>Publication date</u> <u>(day/month/year)</u>	<u>Filing date</u> <u>(day/month/year)</u>	<u>Priority date (valid claim)</u> <u>(day/month/year)</u>
JP 2003-290238 [E, X]	14.10.2003	29.03.2002	

2. Non-written disclosures (Rule 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure</u> <u>(day/month/year)</u>	<u>Date of written disclosure</u> <u>referring to non-written disclosure</u> <u>(day/month/year)</u>